

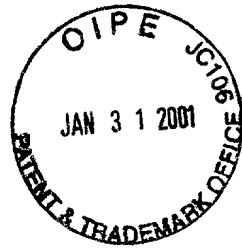
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA



REISSUE DECLARATION AND POWER OF ATTORNEY

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, the undersigned inventor and assignee of the above identified patent, hereby declare that:

Our residences, post offices and citizenships are as stated below next to our respective names.

I, the named inventor, believe I am the original, first inventor of the subject matter claimed and for which a reissue patent is sought on the invention as entitled above the specification, drawing and claims of which are attached hereto, and the undersigned assignee believes that this named inventor is the first and original inventor of the subject matter claimed.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is known to us to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby assert that this application to reissue the above-identified patent has been filed in order to correct certain defects in the patent that render it partially inoperative. First, it claims less than we had the right to claim. Reference is made to new claims added to this patent by this reissue application as evidence of the added material that could have been claimed by us and now is being claimed by us. Second, a series of references have been cited in a reexamination request filed recently, and we ourselves have additional art to cite, including a prior art bean that was inadvertently not cited during the original examination of the above-identified patent. These above-referred to errors arose without deceptive intent.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

We hereby appoint the following attorney:

Emery L. Tracy, Reg. No. 34,081
P.O. Box 1518
Boulder, Colorado 80306

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to him.

Full name of sole inventor: Larry M. Proctor

Inventor's signature: Larry M. Proctor Date: 1/29/01

Residence: 269 Highway 348, Delta, Colorado 81416

Citizenship: USA

Post Office Address: same

Full name of assignee: Pod-Ners, L.L.C.

Assignee's signature by: Larry M. Proctor
Title: Registered Agent

Date: 1/29/01

Post Office Address 269 Highway 348, Delta, Colorado 81416

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
 (37 CFR 1.9(f) & 1.27(c)--SMALL BUSINESS CONCERN

Docket Number (optional)
 19742-001

Applicants or Patentees: Larry M. Proctor
 Serial or Patent No.: Not Yet Assigned
 Filed or Issued: Not Yet Assigned
 Title: FIELD BEAN CULTIVAR NAMED ENOLA



I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **Pod-Ners, L.L.C.**
 ADDRESS OF SMALL BUSINESS CONCERN: **269 Highway 348, Delta, CO 81416**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: **Larry M. Proctor**
 TITLE OF PERSON IF OTHER THAN OWNER:
 ADDRESS OF PERSON SIGNING: **269 Highway 348, Delta, CO 81416**

SIGNATURE Larry M. Proctor

DATE 1/11/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor :
Reissue Application of Patent No. 5,894,079 :
: :
: Applications Branch



Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

ASSIGNEE'S ASSENT TO REISSUE

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 CFR 1.172, undersigned Assignee of U.S. Patent 5,894,079 to Larry M. Proctor, of which it is the owner by Assignment of the entire interest, hereby assents to filing of the accompanying reissue application therefor, and further assents to filing of the reissue oath by the inventor thereof.

POD-NERS, L.L.C.

Larry M. Proctor

By: Larry M. Proctor

Title: Registered Agent

Date: 1/29/01

Docket No.: 19742 - 001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor



Reissue application of Patent No. 5,894,079

Applications Branch

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

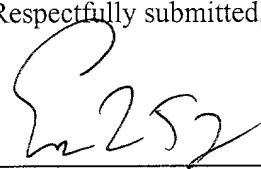
OFFER TO SURRENDER THE ORIGINAL PATENT

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Pursuant to 37 C.F.R. §1.178, the applicants and assignee hereby offer to surrender for reissue the original patent, U.S. Patent No. 5,894,079, for "FIELD BEAN CULTIVAR NAMED ENOLA," issued on April 13, 1999. The original patent will be physically provided to the Patent Office before issuance of the reissue patent as requested.

Respectfully submitted,



Emery L. Tracy
Registration No. 34,081

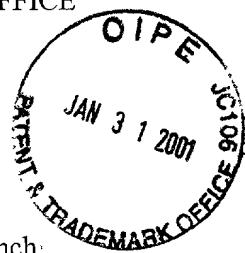
P.O. Box 1518
Boulder, Colorado 80306
Telephone: (303) 443-1143
Facsimile: (303)
Attorney's Docket Number: 19742 - 001
Date: January 31, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue application of Patent No. 5,894,079

Applications Branch



Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

CERTIFICATE UNDER 37 CFR 3.73(b)

Honorable Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Applicant: POD-NERS, L.L.C. certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9742, Frame 0430, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent identified above, to the current assignee as shown below:

The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 1/29/01

Name: Larry M. Proctor

Title: Registered Agent

Signature: Larry M. Proctor